



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/444,317	11/22/1999	JAMES S. LIPSCOMB	SE9-99-007-(	8497

7590 03/18/2005

William E. Lewis  
Ryan, Mason & Lewis  
90 Forest Avenue  
Locust Valley, NY 11560

EXAMINER

LIANG, REGINA

ART UNIT PAPER NUMBER

2674

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/444,317

Applicant(s)

LIPSCOMB ET AL.

Examiner

Regina Liang

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) 16 and 20-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 25-27 is/are rejected.
- 7) ☒ Claim(s) 2-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Applicant's election with traverse of Group I (claims 1-15, 25-27) in the reply filed on 1/17/05 is acknowledged. The traversal is on the ground(s) that each of the independent claims recites receiving a plurality of inputs and providing an output or response based on the input and Group I-III are searchable in the same search effort. This is not found persuasive because Group I (claims 1-15, 25-27) recites a processor receiving a plurality of inputs and providing an output or response based on the inputs without providing feedback operation and animation control device as in Groups II and III, although the three groups are classified in class 345, but they are in different subclasses, the search required for Group I is not required for Groups II and III. Therefore, these three groups I-III are distinct and independent to each other.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

2. Claims 1, 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Meissner (US. PAT. NO. 5,135,468).

As to claims 1 and 27, Meissner discloses in a multi-tasking computer system, receiving a plurality of inputs at a processor, providing an output based on the plurality of inputs, wherein the output has a degraded response (slowdown) when more than one of the plurality of inputs is asserted simultaneously (Col. 5, lines 19-28 for example) and an increased response when one of the plurality of inputs is asserted significantly more than the other input (e.g. col. 5, lines 28-35, shut down the ones that are not necessary, it is inherent that the response is increased).

3. Claims 1, 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Evans et al (US. PAT. NO. 5,794,017 hereinafter Evans).

As to claims 1 and 27, Evans discloses when a computer displays two images simultaneously, the first being displayed by a multi-media application, a second being displayed by a word processing application, the result is that the dynamic display of the word processing application is slowed down (this corresponds to the output has a degraded response when more than one input is asserted simultaneously). Evans also discloses "if a user flips to the next page of the word processing document, what might seem an instantaneous update of the display if only the word processing document was being displayed" (col. 1, lines 38-42, which implies if the computer has only one word processing application running, and shuts down the multi-media application, this corresponds to the output has an increased response when one of the plurality of inputs is asserted significantly more than the other inputs). The computer graphics controller reads on the processor, and display device corresponds the interface as claimed.

As to claim 25, Evans teaches the images are displayed on the computer display and the computer having graphics memory for storing the pixel data, which corresponds to the storage device and display as claimed.

As to claim 26, the data channels as shown in Fig. 1 of Evans corresponds to the communications channel as claimed.

***Allowable Subject Matter***

4. Claims 2-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

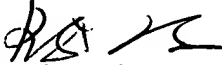
***Response to Arguments***

5. Applicant's arguments with respect to claims 1-15, 25-27 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (571) 272-7693. The examiner can normally be reached on Monday-Friday from 8AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard, can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Regina Liang  
Primary Examiner  
Art Unit 2674

3/11/05